

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:13-cr-3-TWP-VTW
)	
ARTHUR HENDERSON,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On March 7, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 18, 2017 (Docket No. 77). Defendant Arthur Henderson appeared in person with his appointed counsel David Mejia. The government appeared by Jim Warden, Assistant United States Attorney, via telephone for Matt Rinka. U.S. Probation appeared by Officer Brian Bowers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Henderson of his rights and provided him with a copy of the petition.
2. Mr. Henderson waived his right to a preliminary hearing.
3. The parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
4. After being placed under oath, Mr. Henderson admitted Violation No. 1 (Docket No. 77.)

5. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

The offender tested positive for cocaine on January 13; March 7, 8, 14, 17, 22, 24, and 27; and April 5 and 7; 2017. When confronted, he admitted consuming powder cocaine in January 2017 and every two to three days from March to April 2017.

6. The Government orally moved to withdraw Violation Nos. 2 and 8, and the same was GRANTED.

7. The parties stipulated that:

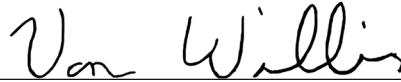
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

8. The parties jointly recommended Mr. Henderson be sentenced to 8 months imprisonment to the Bureau of Prisons with no term of Supervised Release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the Petition, that his supervised release should be REVOKED, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 8 months with no supervised release to follow. The defendant is remanded to the custody of the U.S. Marshal. The Court will make a recommendation of placement at FCI Morgantown. The parties are hereby notified that the

District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 3/7/2018

A handwritten signature in black ink, reading "Van Willis", is positioned above a horizontal line.

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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